

**Summary of  
Declaratory Rulings,  
Interpretive Statements  
And  
Attorney General Opinions**

**Issued by the Secretary of State  
Through January 2004**

**Lobby Registration Act**  
MCL 4.411 - MCL 4.431

**ALL MONETARY THRESHOLDS, FEES AND PENALTIES ARE ADJUSTED ON JANUARY 1 OF EACH YEAR TO REFLECT THE PERCENTAGE OF CHANGE IN THE CONSUMER PRICE INDEX FOR DETROIT. THEREFORE, THE CURRENT THRESHOLDS, FEES AND PENALTIES MAY BE DIFFERENT FROM THE AMOUNT INDICATED IN THE FOLLOWING SUMMARIES. INFORMATION ON THE CURRENT THRESHOLDS, FEES AND PENALTIES ARE ATTACHED TO THE BACK OF THIS REPORT.**

An Act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts.

## **Explanation of Column Headings and Acronyms:**

**DATE:** The “Date” Column provide the date that the ruling or interpretation was issued.

**TO WHOM:** The “To Whom” Column provides the last name of the person that filed a request for additional information or clarification and to whom the response was given.

**TYPE:** The “Type” Column provides the type of ruling issued. There are several types explained below.

- IS = Interpretive Statement
- DR = Declaratory Ruling,
- LO = Letter Opinion
- IL = Interpretive Letter
- AG = Attorney Generals Opinion

**PGS:** The “Pgs” Column provides the number of pages to describe the size of the ruling or interpretation. You can purchase a copy of the actual document for a charge of \$.22 per page.

**SECTION OF LAW:** The “Section of Law” Column provides the Sections of the Act that are affected by the ruling or interpretation or referenced in the actual document.

**SYNOPSIS:** The “Synopsis” Column provides a short description of the main points in the ruling or interpretation.

### **Questions?**

Contact us at:

Michigan Department of State  
Bureau of Elections  
P.O. Box 20126  
Lansing, Michigan 48901-0726  
Phone: (517) 373-2540  
Fax: (517) 241-4785

Visit us at:

4<sup>th</sup> Floor, Mutual Building  
208 North Capitol Avenue  
Lansing, Michigan 48918

[www.michigan.gov/sos/](http://www.michigan.gov/sos/)

Please Note: The Bureau of Elections will be relocating to the Treasury Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918 in March 2004.

DATE	TO WHOM	TYPE	PGS	SECTION OF LAW	SYNOPSIS
2/20/1996	Miro	IS	7	8(1)	A law firm registered as a lobbyist agent under the Act must account for every financial transaction between the law firm and a public official, a member of the immediate family of a public official, or a business associated with a public official or a member of the immediate family of a public official, including legal services provided to such persons.
7/29/1992	Holcomb-Merrill	IS	4	4(1), 8(1)(c), 11(2), 3(3) R1(1), R73, R71	When a lobbyist or lobbyist agent provides a seat in a private suite at an arena or stadium, and in the absence of any specific information regarding the value of tickets assigned to suite holders, a ticket to a suite should be assigned the ticket price of the most expensive ticket available to the general public. The value of a ticket cannot be allocated between the lobbyists or clients a lobbyist agent represents, a registrant may not give anything valued in excess of the gift threshold to a public official. Allocation of an item's value is permissible when the same item is given to two or more individuals. The value of transportation on a chartered bus or limousine, provided to public officials by a registrant, is allocated to the number of public officials to whom the transportation is provided. If a registrant uses their own private vehicle, and is reimbursed for the trip, the actual amount of the reimbursement is allocated to the number of public officials for whom transportation is provided. If there is no reimbursement, it is reasonable to use the Internal Revenue Service standard mileage rate in determining the value of transportation allocated to each public official. The value of transportation provided to a public official would count towards the gift threshold for that public official.
5/22/1992	Hillgonds, Hertel, Miller Posthumus	IS	3	3(2), 3(3), 4(1), 5(2), 5(4), 8(1), 8(1)(c), 8(2), 9(1), 11(2), 11(4), R1(1)(d), R1(1)(e), R1(1)(i) R58, R71, R73	A lobbyist or lobbyist agent may provide travel and lodging to a public official, including a legislator, if the public official provides consideration of equal or greater value. The consideration may be an appearance, speech, article, participation in a panel or seminar, or a similar activity that is connected to public business or the performance of official duties. The payment and receipt of an honorarium are not required.
9/24/1991	Holcomb-Merrill	IS	6	3(3), 4(1), R71, R73, 11(2), R1(1)(e)	If a lobbyist pays an honorarium to a public official to be an integral participant in a round table discussion, the lobbyist may pay the public official's actual travel, meal and lodging costs if they are directly connected to that event. However, an impermissible gift may result if the lobbyist pays for unconnected travel and lodging costs. Expenditures for food and beverage provided to the official must be reported as required by section 8(2) of the Act. If the total cost of travel, accommodations and the honorarium paid to the official meets the current financial transaction threshold the cost must be reported as a financial transaction pursuant to section 8(1)(c). This includes certain expenditure paid for the public official's immediate family. The payment may not be governed by the five part test employed in the Pirich and Knowlton letter
7/16/1990	Brunelli	IS	2	4(1), 11(2)	There is nothing in section 4(1) or section 11(2) of the Lobby Registration Act which prohibits a state legislator from participating in a golf tournament. However, pursuant to these sections, a lobbyist or lobbyist agent or a person acting on behalf of a lobbyist or lobbyist agent is prohibited from giving a public official anything having a value which exceeds the current gift threshold including a tournament entry or greens fee:
3/8/1990	Cavanagh	IS	15	8(1)(c), 8(2),	If a lobbyist pays an honorarium to a public official to be an integral

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				R56, 4(1), 11(2), (R1(1)(d), R56(1), R73	participant in a round table discussion, the lobbyist may pay the public official's actual travel, meal and lodging costs if they are directly connected to that event. However, an impermissible gift may result if the lobbyist pays for unconnected travel and lodging costs. Expenditures for food and beverage provided to the official must be reported as required by section 8(2) of the Act. If the total cost of travel, accommodations and the honorarium paid to the official meets the current financial transaction threshold the cost must be reported as a financial transaction
12/21/1989	Lowell	IS	2	3(2),11(2), 4(1), 11(2), R1(1)(d)	A fact finding tour of more than one day's duration is not permissible under the Lobby Registration Act because it would not meet the third criterion of the Pirich and Knowlton letter (3-89-LI) which states in part that the tours must be planned so that arrival and departure schedules permit no free periods for personal or recreational activities. In addition, there is nothing in the Pirich and Knowlton letter that suggests that payments for recreation, entertainment or overnight accommodations made in connection with the fact finding tour are excluded from the gift prohibition.
11/9/1989	Pirich	IS	5	3(2), 4(1), 5(2), 11(2), R1(1)(d)	The Lobbying Registration Act does not prohibit a lobbyist or lobbyist agent from furnishing transportation to a public official in connection with an informative tour if the following criteria are met. First, there must be actual operations at the tour site which demonstrate unusual advanced technologies. Second, when there are several sites where the advanced technologies can be observed, the tour site must be the closest to Lansing. Third, the tours must be planned so that arrival and departure schedules permit no free periods for personal or recreational activities. Fourth, the tour sponsor, rather than the public official, must select the means and times of transportation costs would not have been incurred but for the activity of communicating directly with the public official.
6/29/1989	Hoffman	IS	2	8(1) ,11(2), R58 4(1)	A lobbyist or lobbyist agent or anyone acting on behalf of a lobbyist or lobbyist agent is prohibited from giving a gift to a public official. However, this does not apply to a symbolic citation or award unless its intrinsic or actual value exceeds the dollar limitation of section 4(1) of the Act. 7(1) The Pheasant Forever organization is not registered as a lobbyist or lobbyist agent. Therefore, the organization is not prohibited from giving a mounted pheasant to a public official regardless of its actual value. However, if the pheasant was given for the purpose of lobbying, the value of this item must be considered to determine whether Pheasant Forever is now subject to the Act's registration requirements. The Act requires a lobbyist or lobbyist agent to file financial reports disclosing his or her expenditures for food and beverage, advertising and mass mailing expenses directly related to lobbying, and all other expenditures for lobbying. An item given to a public official for the purpose of lobbying which is not a prohibited gift would be reported in the latter category by the lobbyist or lobbyist agent. However, the Act does not require the public official who received the item to file any report or declaration.
3/31/1989	Brown	IS	2	5(1), 5(2), 5(5), R23(2)	An employee of a state executive department is a "lobbyist agent" if the employee is compensated or reimbursed more than \$375.00 in any 12 month period for lobbying. The definition of "lobbying," includes direct communications with a member of the legislature for the purpose of influencing legislative action. An employee may provide information or advance an opinion during a legislator's visit to an institution. Reportable lobbying occurs only if the employee directly communicates with the legislator for the purpose of

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					influencing an action. If the communication is not for the purpose of influencing legislative action, neither the employee nor the Department of Corrections is required to file a disclosure report under the Act. However, if a communication is lobbying as defined in the Act, it is immaterial whether the communication is initiated by the public official or by the employee.
9/8/1986	Ludwig	IS	9	2, 5(2), R1(1)(d)	A consulting firm is subject to the Act's registration and reporting requirements if it makes expenditures more than the threshold amount to communicate directly with an official in the executive or legislative branch for the purpose of influencing a legislative or administrative action. Submitting an unsolicited proposal to a public official with the intent to influence his or her action is a form of lobbying. It is immaterial whether the public official is persuaded to act by the wishes of the lobbyist or lobbyist agent. The costs of preparing material used for lobbying does not count toward the lobbying threshold if it was prepared prior to the decision to use the material for lobbying.
1/27/1986	Berman	IS	2	5(2)	An advertisement in a publication of general circulation is of such an indirect nature that it does not constitute lobbying pursuant to the Act.
10/15/1985	Parks	IS	4	5(2)	Employees in the state classified civil service (or their representatives) are not lobbying when communicating with public officials in the executive branch while engaged in (1) collective bargaining (2) labor/management meetings (3) unfair labor practice hearings or (4) grievance administration and arbitration hearings.
5/6/1985	Cavanagh	IS	3		Receptions held for the purpose of lobbying.
4/26/1985	N/A	LO			A member of the commission on Services to the Aging who engages in lobbying activities must register and file reports as required by 1978 P.A. 472.
4/16/1985	Smith	DR	2	5(5), 11(2)	The only persons required to register as a lobbyist agent are those who lobby for compensation or reimbursement. The only persons required to register as a lobbyist agent are those who lobby for compensation or reimbursement.
12/20/1984	N/A	LO			A legislator who also serves as a member of the board of Trustees of the Library of Michigan is, by virtue of such office, exempt from registration and reporting as a lobbyist under 1978 P.A. 474.
11/21/1984	Groop	IS	4	6(2)	An appointed member of a policy making state board or commission is a "public official" under the Act. Similarly, when the enabling statute provides for a designated representative or an alternate, these individuals also become public officials. Lobbyists or lobbyist agents communicating with such individuals in an effort to influence their votes on the board or commission must report expenditures made for such communications.
11/8/1984	Quinn	DR	3	5(7)	The director of the Lansing Tri-County Employment and Training Consortium is not exempt from the Act.
11/8/1984	Safford	DR	4	2, 5(5) 5(2) R1(1) (c)	An attorney is subject to the registration requirements of the Act if he or she receives compensation to perform an activity which (1) would not necessarily have to be performed by an attorney licensed in Michigan and (2) falls under the definition of "lobbying." If the activity had to be performed by an attorney licensed in Michigan, the activity would not be subject to the registration requirements of the Act. Communicating with a public official for the purpose of influencing action on proposed rule amendments is not an activity which could only be performed by an attorney licensed in Michigan. Therefore, participation in such communication by an attorney is not

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					within the practice of law for Lobby Act purposes. The fee received by the attorney does count toward the compensation or reimbursement threshold established.
11/2/1984	Jackson	IS	2	2, 5(2)	Lobbying takes place during a vendor's communication with a public official concerning the purchase of goods, services, supplies, etc. if the public official can enter into agreement with the vendor through the exercise of personal discretion. If no policy decision is required, communications between the vendor and the public official are not lobbying and do not qualify a vendor as a lobbyist.
11/1/1984	Brodhead	IS	3	2, 5(2)	Lobbying takes place during a vendor's communication with a public official concerning the purchase of goods, services, supplies, etc. if the public official can enter into agreement with the vendor through the exercise of personal discretion. If no policy decision is required, communications between the vendor and the public official are not lobbying and do not qualify a vendor as a lobbyist.
10/23/1984	Niederhauser	IS	3	5(2), 5(4)	If members of a committee communicate with public officials for the purpose of influencing legislative or administrative action at a meal sponsored by the committee, the members are engaged in lobbying. Therefore, the expenditures associated with the meal are reportable under the Act, regardless of whether the committee pays for the meal or an organization affiliated with the committee pays for the meal. If an organization affiliated with the committee makes the expenditures, that organization must also register as a lobbyist upon reaching the expenditure threshold.
10/16/1984	Randall	IS	2	5(7)	A community college president is exempt from being a "lobbyist" or a "lobbyist agent," provided that the president only lobbies in the course or scope of the office for no additional compensation.
10/10/1984	Mallett	IS	3	5(2)	A state employee who is contacted by a legislator and asked to provide purely factual information with respect to pending legislation is not engaged in "lobbying."
10/3/1984	Etherton	IS	3	(2), 5(5), 8(1), 9(1)	An employee of a state executive department who appears before a legislative committee or hearing panel at the request of the committee or panel, and whose appearance is for the purpose of answering questions or providing requested information, is not engaged in "lobbying." A membership organization which is a registered lobbyist must report any expenditures its members make for food and beverages for public officials. This includes expenditures for food and beverage for public officials which the membership organization reimburses its members.
9/27/1984	Sederburg	IS	3	5(2), 5(6), 8(1)	Lobbying consists of direct, express, and intentional communications with a public official for the specific purpose of affecting legislative or administrative actions. An employee of a lobbyist who communicates with a public official at the instigation of the public official, and whose communication is not directed or controlled by the lobbyist, is not a representative of the lobbyist. An employer lobbyist is not required to report compensation or reimbursement paid to an employee for time spent lobbying on behalf of an independent association or organization unless the lobbying is under the direction or control of the employer lobbyist, except for reimbursement for expenditures for food and beverages.
9/27/1984	Kimball	IS	2	5(2)	An employee of the City of Grand Rapids, pursuant to a memorandum of understanding between the city and the Job Development Authority (JDA) regarding the assisting of loan applicants, who appears before a JDA hearing with the applicant and is limited to providing technical information in response to questions from JDA members, is not engaged in "lobbying.")



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9/20/1984	Metevier	IS	3	R1	If it is determined that an appearance before a public hearing on behalf of an application for a permit is lobbying, expenditures made in preparation for the hearing, excluding the cost of travel, lodging, and meals, are reportable expenditures.
9/20/1984	Metevier	DR	3	4(1), 5(2), 11(2)	The loan of an automobile to a public official or the sale of an automobile to a public official at a discounted price by a lobbyist or a lobbyist agent is a "gift," even though the loan or discount is in the ordinary course of the lobbyist's or lobbyist agent's business. An application for a permit will be "lobbying" If the granting or denial of the application depends upon the rendering of a policy decision by an official in the executive branch. There is no "ordinary course of business" exception to the prohibition upon gifts to public officials other than for lobbyists or lobbyist agents who are in the business of lending money to credit worthy applicants. Therefore, the loan of an automobile to a public official or the sale of an automobile to a public official at a discounted price by a lobbyist or a lobbyist agent is a prohibited gift even though the loan or discount is in the ordinary course of the lobbyist's or lobbyist agent's business.
9/12/1984	Hallan	IS	2	4(1)	With respect to a framed copy of an article presented to a public official, an acceptable test for determining the item's value in order to determine if it is a "gift," is whether the recipient could sell it for more than \$25.00.
9/12/1984	Estes	IS	3	2, 5(2), 5(5)	A grievance hearing before the Civil Service Commission is a quasi-judicial proceeding which is excluded from being an "administrative action." All direct communication by a classified civil servant with a public official in a state agency other than the one which employs the civil servant concerning the adoption, defeat, or repeal of a rule, or concerning what should or should not be included in the rule, is "lobbying." A classified civil servant who is compensated more than \$250.00 for communicating with public officials in another state agency concerning the adoption, defeat, or repeal of a rule, or concerning what should or should not be included in a rule, is a "lobbyist agent."
9/12/1984	Boyden	IS	3	5(7), 8(1), 9(1)	An individual who is compensated by that individual's employer for time spent lobbying on behalf of a lobbyist which is a membership organization of which the individual is a member does not thereby become a "lobbyist agent." Compensation paid by an employer to an individual who is an employee for time spent lobbying on behalf of a membership organization of which the employee is a member is not a reportable lobbying expenditure. A lobbyist which is a membership organization must maintain records of reimbursements for food and beverages for public officials paid by the lobbyist to its members.
9/7/1984	Darlow	IS	2	5(4), 5(5), 6(1)	A subsidiary is not precluded from being a "lobbyist" by reason of the fact that its parent corporation is a registered lobbyist. A subsidiary is not precluded from being a "lobbyist agent" by reason of the fact that its parent corporation is a registered lobbyist. A "Person" may include the subsidiary of a parent corporation which is a registered lobbyist.
9/1/1984	McLellan	IS	3	R56(1), 4(1), 11(2), 8(1)	Payment for recreational activities between business associates, when a public official is an employee of a lobbyist or a lobbyist agent, is not excluded from being a "gift." The "ordinary course of business" reporting exemption does not apply to lobbyist agents. Therefore, the payment of compensation having a value of \$500.00 or more to a public official who is also an employee of a lobbyist

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					agent is reportable under the Act.
8/29/1984	Bertler	IS	2	5(4), 5(5), 5(7)	Membership dues paid to a membership organization which is a lobbyist do not count towards the threshold amount for determining if the member is a "lobbyist." When a membership organization is registered as a lobbyist, its members are not subject to the Act's registration and reporting requirements.
8/3/1984	Merryman	DR	3	5(2) 5(9)	Discussions and proceedings before the Air Pollution Control Commission leading to a consent order are not "administrative actions", since the Air Pollution Act incorporates the "contested case" provisions of the Administrative Procedures Act and these are "quasi-judicial determinations." "Official in the executive branch" does not include classified civil servants.
7/20/1984	Ellsworth	IS	2	8(1)	The reporting exemption for transactions greater than \$500.00 in the ordinary course of business applies only to lobbyists and does not apply to lobbyist agents.
7/13/1984	Berning	IS	2		Implications for United Way Campaign.
7/13/1984	Ray-Taylor	IS	3	5(2)	An employer lobbyist does not engage in "lobbying" simply by paying employees for time spent lobbying on behalf of independent associations or organizations. Rather, reportable "lobbying" occurs only if the employer directs or controls the employee's lobbying activity.
6/22/1984	Stewart	IS	3	5(7), 9(1)	A county controller is exempt from being a lobbyist or a lobbyist agent. Compensation paid to an employee of a public official who is exempt from being a lobbyist or a lobbyist agent under section 5(7) is not subject to the record keeping requirements.
6/22/1984	Ball	IS	2	Title	Churches and religious institutions are exempt from the Act's registration and reporting requirements. Therefore, since the Methodist Children's Home Society is partially funded by the United Methodist Church and reports its activities to the church, and the church selects or controls the selection of the Society's Board of Directors, the Society would fall within the exemption.
6/19/1984	Cribley	IS	3	8(1)	When an incorporated hospital, which is registered as a lobbyist, does business with an architectural firm, one of whose partners is a public official, a transaction greater than \$500.00 does not have to be reported. This is provided that the transaction is undertaken to further the hospital's ordinary course of business, even though the transaction is not directly in the hospital's ordinary course of business.
6/15/1984	N/A	LO		(2), 5(5), 8(1), 9(1)	An employee of a state executive department who appears before a legislative committee or hearing panel at the request of the committee or panel, and whose appearance is for the purpose of answering questions or providing requested information, is not engaged in "lobbying." A membership organization which is a registered lobbyist must report any expenditures its members make for food and beverages for public officials. This includes expenditures for food and beverage for public officials which the membership organization reimburses its member.
6/11/1984	Downs	IS	2	5(7), 6(2), 8(1), 11(2)	A person who is exempt from being a lobbyist or a lobbyist agent may lobby without becoming a lobbyist or a lobbyist agent. A mayor of a city is not a "public official." Lobbying expenditures made by an exempt person from that person's own funds need not be reported unless a lobbyist or a lobbyist agent reimburses the exempt person. A gift to a public official from a person who is excluded from being a lobbyist or a lobbyist agent is not prohibited.
6/7/1984	McGee	IS	2	5(2)	Not every contact between an employee of a state executive agency



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					and a public official is "lobbying." One of the functions of state agencies is to provide information with respect to the requirements and operations of government programs. It is only when an executive branch employee attempts to influence legislative or administrative action through direct communication with a public official that lobbying occurs.
6/4/1984	Gerson	IS	4	4(1), 5(2), 8(1), 11(2)	Gift includes the providing of lodging, tickets or expenses to a public official with respect to a community event, such as the Detroit Grand Prix, by a lobbyist or a lobbyist agent. The Detroit Grand Prix is not lobbying, because an event or function cannot, in and of itself, lobby. It does, however, create opportunities where lobbying can occur. A person or group is generally not required to report as lobbying expenditures any contributions made solely for the purpose of supporting the Detroit Grand Prix, unless a person is already a lobbyist or a lobbyist agent and the expenditures are for the purchase of food and beverages for a public official. A lobbyist or a lobbyist agent is prohibited from providing a public official with lodging, tickets or expenses in connection with a community event, such as the Detroit Grand Prix.
6/1/1984	Vliek	IS	2	5(7)	The exemption from being a lobbyist or a lobbyist agent for public officials applies only to the individual occupying the office and does not extend to other individuals. Therefore, while a school superintendent is exempt, the exemption does not extend to the assistant superintendent, even though the assistant superintendent assumes the duties of the superintendent in the superintendent's absence.
5/8/1984	Stevens	IS	2	8(1), 9(1)	There is nothing in the Act which authorizes the Department of State or any other agency to grant a waiver of the Act's registration and reporting requirements. An organization is not required to keep records or file reports relating to communications undertaken by its officials, directors or members for which no compensation or reimbursement is paid.
4/30/1984	Meyers	IS	3	5(7)	The exemption from being a lobbyist or a lobbyist agent for elected or appointed public officials applies only to officials who serve in autonomous, policy making capacities. Therefore, a city attorney or a city clerk who lobby at the direction of the city council or commission are not entitled to the exemption, but are "employees" of the city who are subject to the Act.
4/30/1984	Amberger	DR	2	5(7)	Neither an organization whose members are all public officials nor a governmental entity to which a public official may belong is exempt from being a "lobbyist" or a "lobbyist agent," even though the public officials themselves may be exempt.
4/25/1984	Thodis	IS	5	7(2)	A lobbyist agent who is compensated by more than one lobbyist need only file one registration form. R22 Compensation received from more than one source must be combined in determining whether the threshold for a person becoming a lobbyist agent has been met.
4/25/1984	Kelly	IS	12	Title, 2(1), 3(2), 5(2), 5(3), 5(5), 8(1), R1(1)	The Act is not intended to regulate attorneys per se. Enforcement of the law is a ministerial act, not an "administrative action." Payment to an attorney for the preparation of a memorandum of law to be used in lobbying is an "expenditure." Representation by an attorney of a client's views before a panel which does not include any public officials is not "lobbying." "Influencing" can include the providing to a public official a memorandum of law prepared by an attorney. An attorney who receives payment for the preparation of a memorandum of law to be used by another person in lobbying does

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					not thereby become a "lobbyist agent." Payments subject to the threshold are only those for lobbying, and do not include those for assisting lobbying.
4/24/1984	Pizzimenti	DR	2	8(1)	When a lobbyist permits its employees to work for an IRC '503(c)(3) charitable organization on company time and when the employees engage in lobbying on behalf of the charitable organization, payment by the lobbyist of the employee's wages, cost of support staff, copying, and postage are not reportable expenses. However, reimbursement of an employee for purchasing food and beverages for a public official is a reportable expenditure.
4/19/1984	Bolek	IS	3	Title, 2(1), 5(2), 5(4), 5(5), 5(7), R21, R22	Communications concerning the proper construction of a statute or decision which occur in the course of an administrative hearing or other quasi-judicial proceeding are exempt from the Act's reporting requirements. A written communication will only be "lobbying" if the purpose of the communication is to influence administrative or legislative action and the communication is addressed to a specific public official or to a group which includes a public official. Compensation to an employee for lobbying must be included when calculating the thresholds for determining if the employer is a "lobbyist," even though the employee is hired on a salary basis to perform duties other than lobbying. An employer who pays an employee to lobby on behalf of a lobbyist of which the employer is a member does not fall under the "member of a lobbyist" exemption.
4/19/1984	Lelumia	IS	2	5(7)	Since a community mental health director is not responsible for a broad range of duties, but, pursuant to the Mental Health Code, acts within the constraints established by the local community mental health board, the director is not an appointed public official and does not qualify for the exemption from being a lobbyist agent.
4/18/1984	Mattett & Henry	IS	3		Communications between classified civil servants and public officials.
4/6/1984	Mallett & Henry	IS	3	Title, 5(2), 5(9), 6(2), 8(1)	Communications between employees and public officials for whom they work are excluded from coverage by the Act. Providing food and beverages to a member of the Governor's Commission on Jobs and Economic Development is not "lobbying," because a member of the commission is not a public official.
4/4/1984	Rourke	IS	4	5(2), 8(1), R1(1)	Whenever an adversarial administrative matter has been commenced and the controversy is slated for resolution through the administrative hearing process, the matter is then excluded from "administrative action." This exclusion extends to "opportunity to show compliance conferences." ("Mary Rogers" hearings). When a person attends a meeting of a public body for the purpose of influencing action with respect to a particular issue and that person is compensated for doing so, the compensation paid for the time during which the particular issue is under discussion is a reportable lobbying expenditure.
3/16/1984	Kellogg	DR	5	5(2), 5(7), 8(1), 8(2), R1(1)	Communication with a public official for the purpose of gathering information is not "lobbying." A daily publication which collects, reviews, indexes, and summarizes all pending and proposed action of the legislature for the purpose of providing legislative information to its subscribers and clients, and which conducts research projects involving legislative matters on a contractual basis with knowledge of the ultimate use of the research, is a "publisher" and, therefore, not a "lobbyist." Employees of the publication are "working members of the press," and not "lobbyist agents." Purchase by a lobbyist or a lobbyist agent of a subscription to a daily publication which summarizes legislative activity would probably not be a

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					reportable expenditure, unless the purchase met the "but for" test of Rule I. Food and beverage expenditures made by persons other than lobbyists or lobbyist agents are not reportable expenditures.
3/8/1984	LaRose	IS	2	5(7), R1(1)	Elected township officials are excluded from being lobbyist agents, provided that they are acting in the course of their offices and are not compensated other than as officials. Appointed township officials are excluded only if they serve in autonomous, policy making capacities. Expenditures made for writing letters to public officials for the purpose of influencing legislative or administrative action are lobbying expenditures.
3/6/1984	Nida	DR	2	8(1)	Contributions given to a charitable foundation which are solicited by public officials who are members of the foundation's board of directors are not reportable financial transactions with those public officials, since the contributions are made to the foundation and not to the public officials personally.
3/2/1984	Merryman	DR	5	2(1), 5(1), 5(2), 5(5), 5(9), 6(2), 8(1), R25(2)	When an employee of a lobbyist is also a public official, and the body of which the employee/public official is a member regulates in the field of the employee/public official's expertise, communication by the employee/public official to his or her fellow employees does not constitute "administrative action" if the communication does not relate to issues pending before the body of which the employee/public official is a member, nor to the proposal, drafting, or development of a non-ministerial action or rule. A member of a state board or commission, who is reimbursed for lobbying, either by the board or commission or by an outside employer, may be a "lobbyist agent." If a state department provides a list of public officials to the Secretary of State, and a person working in that department does not appear on the list, it is presumed that the person is not an "official in the executive branch." A member of a state body which has only advisory authority is not a "public official." When an employee of a lobbyist is also a public official, and the body of which the employee/public official is a member regulates in the field of the employee/public official's expertise, communication by the public official to his or her fellow employees does not constitute "legislative action" if it does not relate to issues pending before the body of which the employee/public official is a member, and does not support or oppose an issue pending before the legislature. Communications between members of a state board or commission are not normally subject to the Act
3/1/1984	Engler	IS	3	5(2), 5(9), 6(2)	Communications with a person who is a member of a board or commission which has advisory functions only is not "lobbying," since this would constitute indirect lobbying. A member of a board or commission which has advisory functions only is not an "official in the executive branch." A member of a board or commission which has advisory functions only is not a "public official."
3/1/1984	Hess	IS	1	5(4), 3(2)	A community agency which provides facilities to another community agency which engages in lobbying, and such facilities are provided either free or at reduces cost, is not making an "expenditure" if the provision of the facilities is not made for the purpose of lobbying.
3/1/1984	Halcomb	IS	2	5(7)	Appointed members of state level boards or commissions are not excluded from the definitions of "lobbyist" and "lobbyist agent." Thus, if Ferris State College compensates or reimburses members of the Board of Control, employees of the college (other than the president), or other lobbyist agents (such as a multi-client lobbying firm) in a combined amount of more than \$1,000.00 for lobbying or

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					more than \$250.00 on lobbying a single official, the college must register as a lobbyist and file periodic reports detailing its lobbying expenditures as required by the Act.
2/24/1984	Hill	DR	2	8(1)	A lobbyist who employs a public official need not report wages and expenses paid to the public official when the lobbyist's primary business is other than lobbying, when the wages and expenses are paid in the ordinary course of the lobbyist's business, and when consideration of equal or greater value is received by the lobbyist. This includes reimbursement for meal expenses when the employee is conducting company business. However, transactions between the lobbyist and the employee/public official which are not in the ordinary course of the lobbyist's business, as well as lobbying expenditures, must be reported.
2/7/1984	Bigelow	IS	3	5(5)	Any professional, salaried employee of a state department is not eligible for overtime pay and is expected to perform his/her job outside normal business hours, if necessary. Therefore, if the employee is a lobbyist agent for a state department, all lobbying consistent with his/her position is compensated lobby time. If, however, the employee has not been designated by the department as a lobbyist agent, lobbying activities are not duties for which the employee is compensated and he/she may volunteer time to lobby for outside organizations.
2/7/1984	Mallett & Henry	IS	3	5(5), 8(1), R1(1)	A person who is paid to prepare materials for use in lobbying, but who does not communicate directly with public officials, is not a "lobbyist agent." Compensation paid to support staff for the preparation of materials used in lobbying are reportable expenditures. Compensation paid to support staff for the preparation of materials used in lobbying are expenditures related to the performance of lobbying or expenditures for lobbying.
2/7/1984	Potter	DR	4	5(2), 8(2), 9(1)	An annual reception for legislators held by a lobbyist is not "lobbying" when the purpose of the reception is other than to influence legislative action, such as the creation of good will, and the event is scheduled regardless of whether there is any pending legislation which might affect the lobbyist or its members. A lobbyist must report all expenditures for food and beverages provided for public officials, regardless of whether the expenditures are for lobbying. This includes expenditures for an annual reception for legislators, even though the reception is not itself "lobbying." A lobbyist which holds an annual reception for legislators must maintain a record of the names of the public officials in attendance and the nature of the event, even though the reception is not held for "lobbying." In addition, if during the reception, any members of the lobbyist communicate directly with the public officials for the purpose of influencing administrative or legislative action, the lobbyist must maintain records of any expenditures made in connection with the communication.
2/7/1984	Owen	IS	9	Title, 4(1), 8(1), 8(2), 11(2), 11(4), R1(1), R23(3)	The Act does not apply to honorarium paid to a public official by a person who is not a lobbyist or a lobbyist agent unless the honorarium is excessive and the excess is being paid to influence executive or legislative action. Research and technical material having a value is not a "gift." If a person gives an honorarium to a public official, and the honorarium exceeds the value received by the person giving the honorarium, and the excess is given in order to influence legislative or administrative action, then the excess is to be counted towards the person's thresholds. A lobbyist or a lobbyist agent must report any advance or reimbursement to a public official

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					for food and beverages or the cost of food and beverages provided directly to a public official. A legislator who is a member of a lobbyist may not be reimbursed for expenses incurred for engaging in lobbying activities. However, if the legislator is furthering the goals of the organization which are not of a lobbying nature, the legislator may be reimbursed for expenses incurred. Actual travel, meal and necessary lodging expenses advanced or reimbursed to a public official by a lobbyist or a lobbyist agent are not honoraria. A member of the immediate family of a public official is a person to whom a lobbyist or a lobbyist agent is permitted to give a gift. In determining the value of a speech given by a public official, "all surrounding circumstances" means looking at what other speakers in similar circumstances would receive for the same speech.
2/3/1984	Bianco	IS	3	5(2), 8(1)	In order for an action to be "lobbying," it must entail "direct, express, and intentional" communications with a public official. Consequently, if an employee of a lobbyist lobbies on behalf of a charitable or community organization and is reimbursed by the lobbyist for doing so, the reimbursement does not constitute "lobbying" with respect to the lobbyist, except in the case where the lobbying efforts have a direct effect upon the lobbyist's economic interests. Likewise, the charitable or community organization is not liable for the expenditures made by the lobbyist, although its own expenditures would constitute "lobbying." There is no purpose test for reporting food and beverage expenditures. All such expenditures by a lobbyist or a lobbyist agent must be reported.
2/3/1984	Harsen	IS	3	5(2), 5(7), R1(1)	The publication of news, including editorial comment, and the distribution of the publication to a public official is not "lobbying" unless the sole purpose of the publication is lobbying. Therefore, even though a public official receives a publication because he or she is a subscriber, or a recipient of a complimentary copy, the publication costs are not lobbying expenses because there is no "lobbying."
1/31/1984	Mickelson	IS	2	4(1)	The definition of a "gift" contemplates that the particular item has an intrinsic value in and of itself. The symbolic value of an award is immaterial. Consequently, if the open market value of an award is \$25.00 or less, it is not a "gift," even if the actual cost of the award was greater than \$25.00.
1/27/1984	Ehlers	IS	3	Title, 11(2), R1(1), R73	If an excessive honorarium is paid to a public official by a person who is not a lobbyist or a lobbyist agent, then the Act does not apply to the transaction unless the excess is a payment made to influence legislative or administrative action. Title, 11(2) Payment for an honorarium does not violate the Act if it does not exceed the value of the speech provided by the public official. R1(1) The Department cannot administratively impose limits upon the amount allowed for travel, meal and lodging expenses. These must be actual expenses, not payments or honoraria. However, with respect to travel expenses, if a mileage rate is used and the mileage rate is in excess of that which is reimbursed to legislators with state funds, then the figure must be supportable by the actual costs of operating the vehicle. R73 Payment for an honorarium does not violate the Act if it does not exceed the value of the speech provided by the public official.
1/24/1984	Light	IS	3	5(7), R1(1)	Members of the controlling boards of institutions having the authority to grant baccalaureate degrees, other than members of the boards of Michigan State University, University of Michigan and Wayne State University are not exempted from being a lobbyist



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					agent and, therefore, must register as such if they are paid more than \$250.00 per year for lobbying.
1/13/1984	Elliot	IS	3	5(7), R1(1)	School superintendents are appointed public officials, and are exempt from being a lobbyist agent. However, all other school administrators are employees of their respective school boards and are, therefore, not exempt.
1/13/1984	Schmidt	IS	3	5(7), R1(1)	A city manager whose position is prescribed by city charter and who serves at the pleasure of the appointing authority is an "appointed public official" and is exempt from being a "lobbyist agent." For the purposes of the Act, a city manager is not an "employee" of the city.
12/7/1983	Fredericks	IS	3	5(1), 5(2), 5(10)	Legislative action may include activities in which employees of the legislature are involved. Persons who may be lobbied may include employees of the legislature. An employee of the legislature has a policy making position and is, therefore, an official in the legislative branch, if the employee's responsibilities include discretion or authority in matters involving legislative action.
9/4/1981	Morberg	IS	2		Non-policy making legislative employees.
9/1/1981	Schwindler	IS	3		Lobby activities of counties, their commissions and employees.
8/27/1981	Anderson	DR	2		Registration requirements for corporation representatives on boards.
4/1/1981	Becker	IS	2		Effective date of Act.
8/1/1980	Carter	IS	3		Gifts; notification of lobbyists of complaints.